

**APPENDIX A****AN ORDINANCE**

Imposing a tax for general revenue purposes on salaries, wages, commissions and other compensation earned after January 1, 1940, by residents of Philadelphia, and on salaries, wages, commissions and other compensation earned after January 1, 1940, by non-residents of Philadelphia for work done or services performed or rendered in Philadelphia, and on the net profits earned after January 1, 1939, of businesses, professions or other activities conducted by such residents, and on the net profits earned after January 1, 1939, of businesses, professions or other activities conducted in Philadelphia by non-residents; requiring the filing of returns and the giving of information by employers and those subject to the said tax; imposing on employers the duty of collecting the tax at source; providing for the administration, collection and enforcement of the said tax; and imposing penalties.

Section 1. *The Council of the City of Philadelphia ordains*, That the following words, when used in this ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates or requires a different meaning.

**Definitions**

“Association.” A partnership, limited partnership, or any other form of unincorporated enterprise, owned by two or more persons.

“Business.” An enterprise, activity, profession, or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, co-partnership, association, or any other entity.

“Corporation.” A corporation or joint stock association organized under the laws of the United States, the State of Pennsylvania, or any other State, territory, or foreign country or dependency.

“Employer.” An individual, copartnership, association, corporation, governmental body or unit or agency, or any other entity, who or that employs one or more persons on a salary, wage, commission, or other compensation basis.

“Net Profits.” The net gain from the operation of a business, profession, or enterprise, after provision for all costs and expenses incurred in the conduct thereof, either paid or accrued in accordance with the accounting system used, and without deduction of taxes based on income.

“Non-resident.” An individual, copartnership, association, or other entity domiciled outside the City of Philadelphia.

“Person.” Every natural person, copartnership, fiduciary or association. Whenever used in any clause prescribing and imposing a penalty, the term “person,” as applied to associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

“Resident.” An individual, copartnership, association, or other entity domiciled in the City of Philadelphia.

“Taxpayer.” A person, whether an individual, copartnership, association, or any other entity, required hereunder to file a return of earnings or net profits, or to pay a tax thereon.

The singular shall include the plural, and the masculine shall include the feminine and the neuter.

**Sect. 2. Imposition of Tax.** An annual tax for general revenue purposes of one and one-half per centum is hereby imposed on (a) salaries, wages, commissions and other compensation earned after January 1, 1940, by residents of Philadelphia; and on (b) salaries, wages, commissions and other compensation earned after January 1, 1940, by non-residents of Philadelphia for work done or services performed or rendered in Philadelphia; and on (c) the net profits earned after January 1, 1939, of businesses, professions or other activities conducted by such residents, and on (d) the net profits earned after January 1, 1939, of businesses, professions or other activities conducted in Philadelphia by non-residents.

The tax levied under (a) and (b) herein shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or on his behalf to any person who is employed by or renders services to him. The tax levied under (c) and (d) herein shall relate to and be imposed on the net profits of any business, profession or enterprise carried on by any person as owner or proprietor, either individually or in association with some other person or persons.

Said tax shall first be levied, collected and paid with respect to the salaries, wages, commissions and other compensation earned during the calendar year one thousand nine hundred and forty, and with respect to the net profits of businesses, professions or other activities, earned during the calendar year one thousand nine hundred and thirty-nine: *Provided, however,* That where the fiscal year of the business, profession, or other activity differs from the calendar year, the tax shall be applicable to the net profits of the fiscal year, with respect to such portion thereof as was earned subsequent to the thirty-first day of December, one thousand nine hundred and thirty-eight.

Sect. 3. Returns and Payment of Tax. Each person whose earnings or profits are subject to the tax imposed by this ordinance shall, on or before March 15th of each year, make and file with the Receiver of Taxes a return on a form furnished by or obtainable from the Receiver of Taxes, setting forth the aggregate amount of salaries, wages, commissions and other compensation or net profits earned by him during the preceding year and subject to the said tax, together with such other pertinent information as the Receiver of Taxes may require: *Provided, however,* That where the return is made for a fiscal year or any other period different from a calendar year, the said return shall be made within seventy-five days from the end of the said fiscal year or other period.

Such return shall also show the amount of the tax imposed by this ordinance on such earnings and profits. The person making the said return shall, at the time of filing thereof, pay to the said Receiver of Taxes the amount of tax shown as due thereon: *Provided, however,* That the

taxpayer shall have the right to pay the tax, or the balance of the tax as shown on the return, in four quarterly installments, the first installment thereof at the time of the filing of the return on or before March 15th, and the other installments thereof on or before June 15th, September 15th and December 15th, respectively, in the said year: *Provided further*, That where any portion of the tax so due shall have been deducted at source and shall have been paid to the Receiver of Taxes by the person making the said deduction, credit for the amount so paid shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of the filing of the said return, or as hereinabove provided: *Provided further*, That the Receiver of Taxes is authorized to provide by regulation that the return of an employer or employers, showing the amount of tax deducted by him or them from the salary, wages or commissions of an employee, and paid by him or them to the Receiver of Taxes shall be accepted as the return required of any employee whose sole income subject to the tax under this ordinance, is such salary, wages or commissions.

Sect. 4. Collection at Source. Each employer within the City of Philadelphia who employs one or more persons on a salary, wage, commission or other compensation basis shall deduct, monthly or more often than monthly, at the time of the payment thereof, the tax of one and one-half per centum of salaries, wages, commissions or other compensation due by the said employer to the said employee and shall, on or before the fifteenth day of the month next following the said deduction make a return and pay to the Receiver of Taxes the amount of tax so deducted. Said return shall be on a form or forms furnished by or obtainable from the said Receiver of Taxes and shall set forth the names and residence of each employee of said employer during all or any part of the preceding month, the amounts of salaries, wages, commissions or other compensation earned during such preceding month by each of such employees, together with such other pertinent information as the Receiver of Taxes may require: *Provided, however*, That the failure or omission by any employer, either resid-

ing within or outside of the City, to make such return and/or pay such tax, shall not relieve the employee from the payment of such tax and the compliance with such regulations, with respect to making returns and payment thereof, as may be fixed in this ordinance or established by the Receiver of Taxes.

Sect. 5. Duties of Receiver of Taxes. It shall be the duty of the Receiver of Taxes to collect and receive the tax imposed by this ordinance. It shall also be the duty of the Receiver of Taxes, in addition to keeping the records now required by law or ordinance, to keep a record showing the amount received by him from each taxpayer and the date of such receipt.

Sect. 6. Enforcement; Rules and Regulations; Inquisitorial Powers of the Receiver of Taxes. A. The Receiver of Taxes is hereby charged with the enforcement of the provisions of this ordinance, and is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this ordinance, including provision for the re-examination and correction of returns and payments alleged or found to be incorrect or as to which an overpayment or underpayment is claimed or found to have occurred.

B. The Receiver of Taxes or any agent or employee authorized in writing by him is hereby authorized to examine the books, papers and records of any employer, or supposed employer, or of any taxpayer or supposed taxpayer in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax imposed by this ordinance. Every such employer or supposed employer or taxpayer or supposed taxpayer is hereby directed and required to give to the said Receiver of Taxes or his duly authorized agent or employee the means, facilities and opportunity for such examinations and investigations as are hereby authorized. The Receiver of Taxes is hereby authorized to examine any person under oath concerning any income which was or should have been returned for taxation, and to this end may compel the production of books,

papers and records and the attendance of all persons before him, whether as parties or witnesses, whom he believes to have knowledge of such income.

C. Any information gained by the Receiver of Taxes, or any other official or agent of the City as a result of any returns, investigations, hearings or verifications required or authorized by this ordinance, shall be confidential, except for official purposes, and except in accordance with proper judicial order, or as otherwise provided by law, and any person or agent divulging such information, shall be subject to a fine or penalty of one hundred (100) dollars and costs for each offense, or to undergo imprisonment for not more than thirty days for the nonpayment of such fine or penalty and costs within ten days from the imposition thereof.

Sect. 7. Interest and Penalties. All taxes imposed by this ordinance remaining unpaid after they become due shall bear interest in addition to the amount of the unpaid tax at the rate of six per centum per year, and the persons upon whom said taxes are imposed shall be further liable to a penalty of one-half of one per centum of the amount of the unpaid tax for each month or fraction of a month for the first six months of non-payment.

Sect. 8. Collection of Unpaid Taxes. All taxes imposed by this ordinance, together with all interest and penalties, shall be recoverable by the City Solicitor as other debts of like amount are recoverable.

Sect. 9. Violations; Penalties. Any person who shall fail, neglect or refuse to make any return required by this ordinance, or any taxpayer who shall fail, neglect or refuse to pay the tax, penalties and interest imposed by this ordinance, or any person who shall refuse to permit the Receiver of Taxes or any agent or employee appointed by him in writing to examine his books, records and papers, or who shall knowingly make any incomplete, false or fraudulent return, or who shall attempt to do anything whatever to avoid the full disclosure of the amount of earnings or profits to avoid the payment of the whole or any part of the tax, shall be subject to a fine or penalty of one hundred

(100) dollars and costs for each such offense, or to undergo imprisonment for not more than thirty days for the non-payment of such fine or penalty and costs within ten days from the imposition thereof.

Such fine or penalty shall be in addition to any other penalty imposed by any other section of this ordinance.

The failure of any employer or any taxpayer to receive or procure a return form shall not excuse him from making a return.

Sect. 10. Applicability. This ordinance shall not apply to any person or property as to whom or which it is beyond the legal power of Council to impose the tax or duties herein provided for.

Sect. 11. Construction. If any sentence, clause or section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this ordinance. It is hereby declared as the intent of the Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Approved the thirteenth day of December, A. D. 1939.

GEORGE CONNELL,  
*Acting Mayor of Philadelphia.*

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## APPENDIX B

HON. GIDEON WELLES.

I, Gideon Welles, Secretary of the Navy of the United States of America, do hereby certify that the title to a certain island in the Delaware River at and above the mouth of the Schuylkill River, in the City and County of Philadelphia called and Known as "League Island", together with all the Marsh east of or in any other direction adjacent or appurtenant thereto containing about six hundred acres be the same more or less, together also with all the riparian

rights and privileges thereunto belonging and appertaining to the same and also all that the tract or piece of land situate in the first ward of the said City of Philadelphia Beginning at a stake set for a corner at the intersection of the south line of a certain Avenue one hundred twenty feet wide proposed to be laid out and opened and the low water line of the River Schuylkill, thence extending by the several courses and distances of the said low water line to the low water line of the Back Channel of the River Delaware, thence along the several courses and distances of the said low water line of the Back Channel to the stake set for a corner in the western side of the said one hundred and twenty feet wide Avenue, which stake is at the distance of six thousand four hundred and forty-two and one-tenth ( $6442\frac{1}{10}$ ) feet southward from the south line of Curtin Street and sixty-five (65) feet easterly from the east line of Meadow Street, thence northward along a line parallel with Meadow Street along the west line of said Avenue four hundred forty-two and one-tenth ( $442\frac{1}{10}$ ) feet to an angle in said Avenue, thence further along said Avenue northwestwardly two thousand six hundred thirty-four and eight-tenths ( $2634\frac{8}{10}$ ) feet to a stone in the River bank marked "U. S.", thence upon the same line and course four hundred forty-three (443) feet seven and one-half ( $7\frac{1}{2}$ ) inches to another stone marked "U. S." at an angle in said Avenue, thence further along said Avenue westerly through a stone marked "U. S." located in the center of Old Lane five thousand one hundred ninety-two (5192) feet and one-tenth of a foot to another angle in said Avenue, thence still further along said Avenue southwesterly five thousand one hundred fifty-six and eight-tenths ( $5156\frac{8}{10}$ ) feet through a stone set in the River bank marked "U. S." to low water mark in the River Schuylkill and place of beginning. Together with the whole of the said creek Known as the Back Channel from the River Schuylkill to the River Delaware has been and is hereby accepted by the United States from the city authorities of the City of Philadelphia the same having in conformity with the statute been submitted to the Attorney General and being found complete and indefeasible and the said land on the north short of said Back Channel having been found necessary to en-



able the Government to have the sole and exclusive use of said Back Channel and both shores thereof and the acceptance of the whole having been recommended by a Board of Officers duly appointed by the President in accordance with the requirements of the Act of Congress approved the eighteenth day of February Anno Domini one thousand eight hundred sixty-seven. This Certificate is given for the purpose of being recorded in the way and manner pointed out by the Act of General Assembly of the Commonwealth of Pennsylvania approved the tenth day of February Anno Domini 1863 and of the supplement thereto approved the fourth day of April Anno Domini one thousand eight hundred and sixty-six.

In Testimony whereof I have hereunto set my hand and affixed my official seal at Washington in the District of Columbia this twenty-third day of December in the year of our Lord one thousand eight hundred and sixty-eight (1868).

GIDEON WELLES,  
*Secretary of the Navy.*

Witnesses:

WM. FOXON,  
*Asst. Secretary of the Navy;*  
C. P. THOMPSON,  
*Acting Chief Clerk.*

Recorded Dec. 24, 1868

To be found in Volume 19 (J. T. O. 2) Miscellaneous Land Records of Recorder of Deeds, Philadelphia, p. 208.

